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**NOMINATIONS OF MARGARET D. TUTWILER
JOHN F.W. ROGERS, AND SAMUEL B. STERRETT**

HEARING
BEFORE THE
COMMITTEE ON FINANCE
UNITED STATES SENATE
NINETY-NINTH CONGRESS

FIRST SESSION

ON

NOMINATIONS OF

MARGARET D. TUTWILER, OF ALABAMA, TO BE ASSISTANT SECRETARY
OF THE TREASURY FOR PUBLIC AFFAIRS AND PUBLIC LIAISON

JOHN F.W. ROGERS TO BE ASSISTANT SECRETARY OF THE TREASURY
FOR MANAGEMENT

JUDGE SAMUEL B. STERRETT NOMINATED FOR REAPPOINTMENT TO BE
A JUDGE OF THE UNITED STATES TAX COURT IN WASHINGTON, DC

MAY 7, 1985

Printed for the use of the Committee on Finance



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WASHINGTON : 1985

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CONTENTS

NOMINEES

	Page
Margaret D. Tutwiler.....	2
John F.W. Rogers.....	5
Judge Samuel B. Sterrett.....	12

ADDITIONAL INFORMATION

Committee press release.....	1
A biographical sketch of Margaret D. Tutwiler.....	3
Letter from the U.S. Office of Government Ethics.....	5
A biographical sketch of John F.W. Rogers.....	8
Letter from the U.S. Office of Government Ethics.....	12
A biographical sketch of Judge Samuel B. Sterrett.....	14

COMMUNICATIONS

Letter from Senator Jeremiah Denton of Alabama.....	17
Letter from Senator James Abdnor of South Dakota.....	18

NOMINATIONS OF MARGARET D. TUTWILER, JOHN F.W. ROGERS, AND SAMUEL B. STERRETT

TUESDAY, MAY 7, 1985

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC.

The committee met, pursuant to notice, at 9:34 a.m., in room SD-215, Dirksen Senate Office Building, the Honorable Bob Packwood (chairman) presiding.

Present: Senators Packwood, Wallop, and Long.

[The press release announcing the hearing follows:]

THREE NOMINATIONS TO BE REVIEWED BY SENATE COMMITTEE ON FINANCE

Senator Bob Packwood (R., Ore.) Chairman of the Committee on Finance, announced today that the Committee on Finance would conduct a hearing on Tuesday, May 7, 1985, on three nominations by President Reagan that have been referred to the Committee.

The hearing will begin at 9:30 a.m., Tuesday, May 7, 1985, in Room SD-215 of the Dirksen Senate Office Building.

The three nominees are:

1. Margaret Tutwiler, of Alabama, who has been nominated to be Assistant Secretary of Treasury for Public Affairs and Public Liaison. Since August, 1984, Ms. Tutwiler has been serving as Deputy Assistant to the President for Political Affairs. From 1981 to 1984, Ms. Tutwiler was Special Assistant to the President and Executive Assistant to James A. Baker, III.

2. John F.W. Rogers, of New York, who has been nominated to be Assistant Secretary of Treasury for Management. Mr. Rogers has been serving as Assistant to the President for Management and Administration. Since 1981, Mr. Rogers has been the Director for Administration at the White House.

3. Judge Samuel B. Sterrett, of Maryland, who has been nominated for reappointment to be a Judge of the United States Tax Court in Washington, D.C. Judge Sterrett originally was appointed to the U.S. Tax Court in 1968.

The CHAIRMAN. I will call the hearing to order. The hearing this morning is to consider the appointment of Margaret Tutwiler to the Assistant Secretary of the Treasury for Public Affairs and Public Liaison, John Rogers to be Assistant Secretary of Treasury for Management, and Judge Samuel Sterrett for reappointment to the U.S. Tax Court. And I thought we would take Ms. Tutwiler and Mr. Rogers together, as they are both moving from the White House to the Treasury Department with Secretary Baker, and we will take Judge Sterrett separately. I have known Margaret Tutwiler and I have talked to her on the phone a number of times and met with her over the years. She has been, from 1981 to 1984, a top aide to Jim Baker when he was the Chief of Staff at the White House, and since August 1984, she has been the Deputy As-

sistant to the President for Political Affairs. Mr. Rogers has held various managerial positions at the White House, overseeing administrative matters, and most recently, since 1983, he has been Assistant to the President for Management and Administration, which is the chief administrative officer for the White House and the Executive Office of the President. Welcome. We are glad to have you both here. Do either of you wish to make a statement? Ms. Tutwiler.

STATEMENT OF MARGARET D. TUTWILER TO BE ASSISTANT SECRETARY OF THE TREASURY FOR PUBLIC AFFAIRS AND PUBLIC LIAISON

Ms. TUTWILER. Mr. Chairman, I do not have a statement, but I would like to say that it is an honor to be here today before you and this committee and an honor to have been nominated by the President. On a personal note, I would like to say that I only wish that my parents could have lived to be here with me.

The CHAIRMAN. They would have been very proud of what you have already accomplished.

Ms. TUTWILER. Thank you.

[A biographical sketch of Margaret D. Tutwiler and a letter from the U.S. Office of Government Ethics follow:]

MARGARET DEBARDELEBEN TUTWILER

4613 1/2 MacArthur Boulevard, N.W.
Washington, D.C. 20007
202/566-8191 (office)
202/338-3835 (home)

PROFESSIONAL BACKGROUND

2/85 - Present	Assistant Secretary-Designate for Public Affairs and Public Liaison - Department of the Treasury; Washington, D.C.
7/84 - 2/85	Deputy Assistant to the President for Political Affairs - The White House; Washington, D.C.
11/80 - 7/84	Special Assistant to the President and Executive Assistant to the Chief of Staff - The White House; Washington, D.C.
8/80 - 11/80	Director of Scheduling for Vice Presidential candidate George Bush - Reagan-Bush General Election Campaign; Washington, D.C.
8/78 - 5/80	Director of Scheduling - Ambassador George Bush Presidential Campaign (Primary Campaign); Houston, TX and Alexandria, VA
1/77 - 2/78	Public Affairs Representative for Alabama and Mississippi - National Association of Manufacturers; Washington, D.C.
7/76 - 11/76	Executive Director - President Ford Committee for Alabama; Birmingham, AL
7/75 - 7/76	Scheduler - Surrogates for President Ford Committee (National Campaign); Washington, D.C.
1/75 - 7/75	Assistant and Office Manager - Fund for Government Investors; Washington, D.C.

7/74 - 12/74	Office Manager and Executive Secretary to the Chairman - Alabama Republican Party; Birmingham, AL
1/74 - 3/74	Bookkeeper - First National Bank of Birmingham; Birmingham, AL

EDUCATIONAL BACKGROUND

1971 - 1973	University of Alabama Birmingham, Alabama Awarded Bachelor of Arts Degree
1969 - 1971	Finch College New York City, NY

PERSONAL BACKGROUND

Date of Birth:	December 28, 1950
Place of Birth:	Birmingham, Alabama
Marital Status:	Single

United States of America
Office of
Government Ethics

Office of Personnel Management
Washington, D.C. 20415

APR 1 - 1983

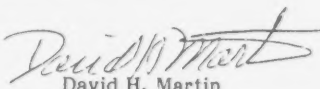
Honorable Robert Packwood
Chairman, Committee on Finance
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Margaret D. Tutwiler, who has been nominated by President Reagan for the position of Assistant Secretary of the Treasury (Public Affairs and Public Liaison), Department of the Treasury.

We have reviewed the report and have also obtained advice from the Department of the Treasury concerning any possible conflict in light of the Department's functions and the nominee's proposed duties. Based thereon, we believe that Ms. Tutwiler is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,


David H. Martin
Director

Enclosure

**STATEMENT OF JOHN F.W. ROGERS TO BE ASSISTANT
SECRETARY OF THE TREASURY FOR MANAGEMENT**

The CHAIRMAN. Mr. Rogers.

Mr. ROGERS. Mr. Chairman, I do not have a statement.

The CHAIRMAN. Let me ask you both one philosophical question. When we were talking prior to the hearing, I asked if the tax bill would be coming down on May 15, and we all three kind of crossed our fingers, and we said we hope so, but nobody is sure. What do you think we ought to be aiming for—the Ways and Means Committee, the Committee on Finance, the House and Senate—in tax reform legislation? What is the goal that we are seeking?

Ms. TUTWILER. Mr. Chairman, in my personal opinion, it would be to make taxes fairer and simpler.

The CHAIRMAN. Can you do both at once?

Ms. TUTWILER. I would hope so. I think it would be an admirable goal.

The CHAIRMAN. Let me ask you this because I have posed this to some other witnesses. You could make taxes simpler with a straight-out flat tax no deductions and everybody paying about 14 or 15 percent, and that would raise about as much money as we raise now, but as a rule of thumb, that would mean that everybody that made \$30,000 or more would pay less taxes, and everybody who made \$30,000 or less would pay more taxes—assuming no de-

ductions for children, no deductions for personal dependency, no deductions for taking care of your aged mother, mortgage, interest, charitable, nothing. Now that is a simple tax. How much did you make? Take 14 or 15 percent of it and pay it to the Government. Would that be a fair tax?

Ms. TUTWILER. One thing I am not very good at is math and statistics, and percentages. I am not very good at answering your question. I personally, me, Margaret Tutwiler, believe that we have an unfair and too complicated tax system. I don't know the Tax Code. I have been exposed to it in the 3 months that I have been at the Treasury Department, and a lot of it I find very hard to believe, just skimming it and getting exposed to it.

The CHAIRMAN. I agree.

Ms. TUTWILER. I don't know how to make it simpler, but I personally think that it is way too complicated for anyone to understand. I think that it is unfortunate that, in order to pay your income tax every year, you have to go hire someone to help you to pay it. I think that everybody should pay their fair share, whatever that fair share is, and I don't know how you get to determining what is somebody's fair share.

The CHAIRMAN. Now, that is really a judgment that Congress ought to make, as to what is a fair share for people to pay, and whether you want to make it progressive or whether you want to make it flat. Those are political judgments. Those are fair political judgments that ought to be made by, by and large, the political body. Mr. Rogers, what do you think?

Mr. ROGERS. I think, Mr. Chairman, that the simplification aspect of any sort of bill, to my way of thinking, would be most important and probably have the most widespread impact. We seem to have these itches every few years to do some major reform in our tax system. Take, for example, the IRS—almost every single year the IRS undergoes a change in the software for administering the tax system. Approximately 40 percent of that Code gets changed. From a management position it seems that we get a more complicated situation.

You come out with rules covering an IRA, and then every single year it seems to be more complicated—how you handle that IRA. My hope would be that the bill that the President submits will be one that will have far-reaching implications in terms of simplification.

The CHAIRMAN. You will discover that the longer you are in Treasury and deal with people who are talking about taxes, they will often opt for certainty even if it causes unfairness.

Mr. ROGERS. I think that is right.

The CHAIRMAN. If you were to say henceforth you are going to pay a tax of 80 percent, and they would say for how long and you would say 10 years, then they would figure out some way to live with it and they would know what it was going to be. But when we actually change the tax laws quicker than you have had time to issue regulations on the last set of tax laws that we issued, it is no wonder that people, after a while, become frustrated.

Mr. ROGERS. I think people have to make decisions in their life about their own economic future, and when you keep changing the rules of the game, that makes it very difficult. I think you are ab-

solutely right; if they had tax laws which they could hold on to with which they could do some forward planning, it would be helpful—helpful to the individual and helpful to the people who administer the system.

The CHAIRMAN. I will give you only one admonition. When we were talking ahead of time, you had the wish that the tax bill was up so that you wouldn't have quite so many people coming in to give you advice and talk about it. It won't stop just because the tax bill was introduced. They will be coming in wanting you to change what you have now put forth. You will either have confirmed their worse fears by doing it or will not have done it well enough, no matter what you have done, and they will be back knocking on the door again. Senator Long.

Senator LONG. No questions, Mr. Chairman.

The CHAIRMAN. Then we are done, and I hope we report you out at 10 when our meeting starts. Thank you for coming.

Ms. TUTWILER. Thank you.

Mr. ROGERS. Thank you very much.

[A biographical sketch of John F.W. Rogers and a letter from the U.S. Office of Government Ethics follow:]

THE WHITE HOUSE
WASHINGTON

February 21, 1985

MEMORANDUM FOR FINANCE COMMITTEE
UNITED STATES SENATE

FROM: JOHN F. W. ROGERS
ASSISTANT TO THE PRESIDENT
FOR MANAGEMENT & ADMINISTRATION

SUBJECT: OUTLINE OF INFORMATION REQUESTED OF NOMINEES

A. BIOGRAPHICAL

1. John F. W. Rogers
2. 2121 Virginia Avenue, NW
Washington, DC 20037
3. April 15, 1956 Geneva, New York
4. Not Married
5. Not Applicable
6. The George Washington University
1974 - 1973
BA - Public Affairs
7. Editorial Assistant
Public Opinion Magazine
The American Enterprise Institute
for Public Policy Research
Washington, DC 20036 1973-79
- Assistant to the President
for Administration
The American Enterprise Institute
for Public Policy Research
Washington, DC 20036 1980-81
- Special Assistant to the President
for Administration
Director, Office of Administration
West Wing
The White House
Washington, DC 20500 1981-82

Continued

Deputy Assistant to the President
for Management
Director, Office of Administration
West Wing
The White House
Washington, DC 20500

1982-83

Assistant to the President
for Management and Administration
Director, Office of Administration
West Wing
The White House
Washington, DC 20500

1983-Present

Director and General Manager
The Committee for the 50th American
Presidential Inaugural
1900 Anacostia Drive, SE
Washington, DC 20599

Nov. 1984-Jan. 1985

Member
Board of Trustees
President Inaugural Trust

8. Intern
Speechwriting and Research Office
The White House
Washington, DC 20500

1974-75

Researcher
Communications Office
The White House
Washington, DC 20500

1976-77

Special Assistant to the President
for Management
Director, Office of Administration
West Wing
The White House
Washington, DC 20500

1981-82

Deputy Assistant to the President
for Management
Director, Office of Administration
West Wing
The White House
Washington, DC 20500

1982-83

Continued

Assistant to the President
for Management and Administration
Director, Office of Administration
West Wing
The White House
Washington, DC 20500 1983-Present

Member
Advisory Council on Historic Preservation
Old Post Office Building
Washington, DC 20013 1984-Present

9. Member
Board of Trustees
National Building Museum

Presidential Representative
Board of Trustees
Capitol Historic Society

Member
Council
Advisory Council on Historic Preservation

Member
Board of Trustees
Republican Heritage Foundation

Director and General Manager
Committee for the 50th American Presidential Inauguration

Member
Board of Trustees
President Inaugural Trust

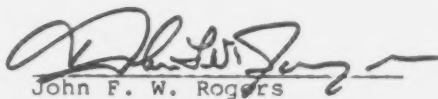
Member
Tenants Association of the Governor Shepherd
Governor Shepherd Apartments

10. \$500.00 Contribution
Texans for Sweeney (R)
Congressional Race
State of Texas
- \$50.00 Contribution
Quartel for Congress (R)
Congressional Race
State of Florida
- \$50.00 Contribution
Nozzolio or State Senate (R)
State of New York

Contin

11. The Trautman Scholarship 1974 - 1978
The Presidential Citizens Medal 1985
12. Edited and wrote the forward of the book, The Old Executive Office Building: A Victorian Masterpiece (GPO, 1984).

Executive Editor of A New Beginning, Ronald Reagan: The First Four Years (Thomasson, Grant, and Howell, Inc. 1985)
13. I have not given any formal speeches to any organizations.
14. I believe my experience as the Chief Administrative Officer for the White House and the Executive Office of the President has prepared me to assume the responsibilities as Assistant Secretary of the Treasury (Management).


John F. W. Rogers

February 21, 1985
Date

United States of America
Office of
Government Ethics

Office of Personnel Management
Washington, D.C. 20415

MAR 14 1985

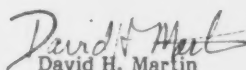
Honorable Robert Packwood
Chairman, Committee on Finance
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by John F.W. Rogers, who has been nominated by President Reagan for the position of Assistant Secretary of the Treasury (Management), Department of the Treasury.

We have reviewed the report and have also obtained advice from the Department of the Treasury concerning any possible conflict in light of the Department's functions and the nominee's proposed duties. Based thereon, we believe that Mr. Rogers is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,


David H. Martin
Director

Enclosure

The CHAIRMAN. Now, we will take Judge Sterrett for reappointment to the Tax Court.

**STATEMENT OF JUDGE SAMUEL B. STERRETT TO BE JUDGE OF
THE U.S. TAX COURT**

Judge STERRETT. Good morning, sir.

The CHAIRMAN. Good morning, Your Honor. Do you have any opening statement?

Judge STERRETT. No, sir. This is my third appearance before the committee, and I hope that it is not three strikes and out, I guess.

The CHAIRMAN. The judge has been on the Tax Court since 1968, Russell, and will become the chief judge upon reappointment. I asked him if he was the senior judge, and he said no, there are still some judges who have been there longer than he has.

Judge STERRETT. Yes, sir. That is correct.

The CHAIRMAN. Judge, I have one question. As you are aware, we have changed the law on frivolous tax suits and the penalty. Do you have any idea of the effect of that? Does it work? Does it not work? What experience have you had with it?

Judge STERRETT. It is a little premature, Senator, to have a definitive view. The court in the last 6 months has been rather liberal, if that is a fair phrase to use, in assessing a penalty because by this

period of time we have all had enough of the so-called tax protestors to realize that most of them are just putting us on and trying to delay the system. So, we have been liberal in assessing a penalty. Whether or not it has had an effect is really premature. It is hard to believe that it won't, but I can't promise you it will.

The CHAIRMAN. Is it difficult on the court to determine whether a party is frivolous or is it reasonably obvious?

Judge STERRETT. It is reasonably obvious. The arguments are so ludicrous—like I am not a person, or IRS has no jurisdiction over me—it is generally very easy to determine it. So, it makes it simpler to assess the penalty, and we do.

The CHAIRMAN. Senator Long.

Senator LONG. No questions, Mr. Chairman.

The CHAIRMAN. Your Honor, that is all the questions I have. I hope we report you out at 10 this morning.

Judge STERRETT. Fine. I appreciate the honor of being here.

[A biographical sketch of Judge Samuel B. Sterrett follows:]

April 30, 1985

OUTLINE OF INFORMATION REQUESTED OF NOMINEES

A. BIOGRAPHICAL:

1. Name: Samuel Black Sterrett
2. Address: 8 Magnolia Parkway, Chevy Chase, Maryland 20815
3. Date and place of birth: December 17, 1922
Washington, D. C.
4. Marital status: Married Jeane McBride
August 27, 1949
5. Names and ages of children: Samuel B. Sterrett, Jr. - age 25
Robin Dent Sterrett - age 23
Douglas McBride Sterrett - age 22
6. Education:

<u>Name of School</u>	<u>Address</u>	<u>From</u>	<u>To</u>	<u>Degree</u>
St. Albans School	Washington, D. C.	1937	1941	
Amherst College	Amherst, Mass.	9/41	2/43	
U.S. Merchant Marine Academy	Long Island, N.Y.	7/44	4/45	
Amherst College	Amherst, Mass.	6/46	6/47	B.A.
George Washington Univ.	Washington, D. C.	6/47	9/47	
University of Virginia				
School of Law	Charlottesville, Va.	10/47	6/50	LL.B.
New York University	New York, N.Y.	9/58	5/59	LL.M. in Taxation

7. Employment:

<u>Position Held</u>	<u>Name of Employer</u>	<u>Location</u>	<u>From</u>	<u>To</u>
Judge	United States Tax Court	Washington, D. C.	10/68	present
Attorney	Sullivan, Shea & Kenny	Washington, D. C.	1/60	10/68
Attorney	Office of Regional Counsel, I.R.S.	New York, N.Y.	1/56	1/60
Attorney	Alvord & Alvord	Washington, D. C.	10/50	1/56
Clerk	Kirkland, Fleming, Green, Martin & Ellis	Washington, D. C.	6/49	9/49

8. Government experience:

Municipal Consultant to Office of Vice-President - 1965 to 1968
 Member, Board of Managers, Chevy Chase Village - 1970 to 1974
 Chairman, Board of Managers, Chevy Chase Village - 1972 to 1974

9. Memberships: Beta Theta Pi
 D.C., Virginia, Federal, American Bar Associations (Section
 of Taxation)
 Chairman, Board of Trustees, Washington Healthcare Corp. (Not-
 for-profit) 1982- .
10. Political affiliations
 and activities: None
11. Honors and Awards: Certificate of Appreciation from Washington
 Hospital Center for service as trustee, including
 chairmanship 1967 - 1984.
12. Published writings: None

The CHAIRMAN. Thank you, sir, for coming.
 [Whereupon, at 9:44 a.m., the hearing was adjourned.]
 [By direction of the chairman the following communications were made a part of the hearing record:]

JEREMIAH A. DENTON, JR.
 ALABAMA

United States Senate

WASHINGTON, D.C. 20510

May 9, 1985

The Honorable Bob Packwood
 Chairman
 Committee on Finance
 United States Senate

Dear Mr. Chairman:

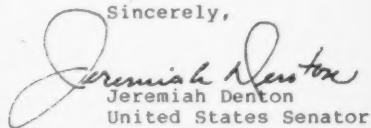
It is with great pride that I recommend Miss Margaret Tutwiler for the position of Assistant Secretary for Public Affairs and Public Liaison in the Department of the Treasury.

Miss Tutwiler's credentials speak for themselves. Recently she has served as Deputy Assistant to the President for Political Affairs in the White House. She was also Special Assistant to the President and Executive Assistant to the Chief of Staff. There is no question as to her professional qualification for the job. During the past years, she has proved herself to be an effective and articulate spokeswoman.

Equally important, she happens to be from the great state of Alabama. As you know, Alabama has nurtured many fine Americans. This in itself should prove her worthiness.

Our government is in urgent need of qualified men and women whose capabilities are matched by their depth of commitment. Miss Tutwiler is an ideal representative of this type of individual. I urge that her appointment as Assistant Secretary-Designate for Public Affairs and Public Liaison be made permanent.

Sincerely,


 Jeremiah Denton
 United States Senator

JAD:ew

MARIE C. HATHFIELD, CHIEF CLERK

ED STEVENS, ALASKA
 DWELL P. WEICKER, JR., CONNECTICUT
 JAMES A. MCCLURE, IDAHO
 ALJ. LARSEN, NEVADA
 KEE GARR, UTAH
 HAD COCHRAN, MISSISSIPPI
 JANE ANDREWS, NORTH DAKOTA
 JAMES ABDONOR, SOUTH DAKOTA
 ROBERT W. KASTEN, JR., WISCONSIN
 J. JONES, N. D. AMATO, NEW YORK
 JACK MATTINGLY, GEORGIA
 JAMES RUDMAN, NEW HAMPSHIRE
 ALLEN SPECTER, PENNSYLVANIA
 STE V. DOMENICO, NEW MEXICO

JOHN C. STENNIS, MISSISSIPPI
 ROBERT C. BYRD, WEST VIRGINIA
 WILLIAM PROXMIRE, WISCONSIN
 DANIEL E. ROLFE, HAWAII
 ERNEST F. HOLLINGS, SOUTH CAROLINA
 LAWTON CHILES, FLORIDA
 J. BENNETT JOHNSTON, LOUISIANA
 CLEMENT H. BURDICK, NORTH DAKOTA
 PATRICK J. LEAHY, VERMONT
 JIM SASSER, TENNESSEE
 DENNIS DECONCINI, ARIZONA
 DALE BUMPERS, ARKANSAS
 FRANK R. LAUTENBERG, NEW JERSEY
 TOM HARKIN, IOWA

J. KEITH KENNEDY, STAFF DIRECTOR
 FRANCIS J. SULLIVAN, MINORITY STAFF DIRECTOR

United States Senate

COMMITTEE ON APPROPRIATIONS
 WASHINGTON, DC 20510

May 6, 1985

Honorable Bob Packwood
 Chairman
 Finance Committee
 Washington, D. C. 20510

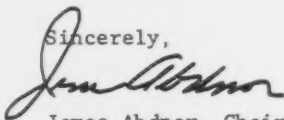
Dear Chairman Packwood:

Your Committee will soon hold a confirmation hearing on John F. W. Rogers to be Assistant Secretary of the Treasury for Administration.

As Chairman of the Appropriations Subcommittee on Treasury, Postal Service and General Government, I have worked with John in his post as Assistant to the President for Management and Administration, and Director of the Office of Administration, Executive Office of the President, during the past four years and watched him grow and develop into a very knowledgeable and able administrator. I believe the President has made a very good choice in John's appointment and I look forward to my continued affiliation with him in his new position. Therefore, I urge the Committee to give this nomination favorable consideration at the earliest possible time.

With best wishes, I am

Sincerely,



James Abdnor, Chairman
 Treasury, Postal Service and
 General Government Subcommittee

JA:dp